



GRANT MANAGEMENT MEMORANDUM
GMM 2017-14

DATE: December 1, 2017

TO: All California Governor's Office of Emergency Services (Cal OES) Homeland Security Grant Program (HSGP) and Emergency Management Performance Grant (EMPG) Subrecipients

FROM: Homeland Security and Grants Processing Branch

RE: Controlled Equipment

The Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) previously issued Information Bulletins (IB) 407, 407a, and 414 to provide guidance relative to Executive Order (EO) 13688, Federal Support for Local Law Enforcement Equipment Acquisition. Signed in 2015, this presidential directive identified equipment items declared prohibited and/or controlled, and the process for requesting advance approval of controlled equipment items. Subrecipients have been following those guidelines, as well as the guidance set forth in the State's supplemental program guidance, to include the submittal of requisite documentation and forms.

In August 2017, a new presidential directive was signed, EO 13809, which rescinded many of the controlled equipment restrictions called out in the earlier IBs. Subsequently, IB 426 was released in November 2017 explaining the relevance of the new EO and eliminating many of the controlled equipment-related requirements, such as the use of FEMA Form 087-0-0-01.

The purpose of this memo is to provide guidance regarding the new requirements associated with the acquisition of certain types of equipment purchased with HSGP and EMPG funding. It also serves to amend relevant controlled equipment guidance set forth in State Supplements covering open subawards.

Except for tracked armored vehicles and urban camouflage uniform items, all other items that were on the Prohibited Equipment List in IB 407/407a remain unallowable under any FEMA preparedness grant. Aircraft will continue to require a waiver from FEMA, prior to purchase, utilizing the Cal OES Aviation Request form. Licensing and other fees will remain unallowable under the grant.

Unless noted below, all items that were on the Controlled Equipment List in IBs 407 and 407a are allowable under FEMA preparedness grants, provided that acquisition of the items is consistent with the terms of the subaward, including the applicable Notice of Funding Opportunity (NOFO).

Small Unmanned Aircraft Systems (AEL #03OE-07-SUAS - System, Small Unmanned Aircraft) are considered aircraft and are required to meet the aforementioned aviation requirements. In addition, all requests to purchase SUAS with FEMA grant funding must also include copies of the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment. For further details, see Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems, issued February 20, 2015.

Equipment intended to be used for riot suppression, including riot batons, riot helmets, and riot shields continues to be unallowable under any FEMA preparedness grant program. Ammunition, weapons of any kind, and weaponized vehicles, aircraft, and watercraft remain prohibited. Acquisition of explosive material must still follow IB 419 (Purchase of Energetic Materials Using HSGP Funding).

Subrecipients must continue to comply with all other equipment acquisition requirements of their subaward's applicable NOFO, including but not limited to, Environmental Planning and Historic Preservation compliance and procurement.

Please direct any questions regarding this issue to your Cal OES Program Representative.